

#12/102 for refund 01-08-04  
PATENT

Attorney Docket No.: 678-362

US PATENT & TRADEMARK OFFICE  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** Kim, et al. **GROUP ART UNIT:** 2685  
**SERIAL NO.:** 09/405,328 **EXAMINER:** LE, Lana N.  
**FILED:** September 24, 1999 **DATED:** December 22, 2003  
**FOR:** APPARATUS AND METHOD OF SEARCHING  
FOR PN SEQUENCE PHASE IN MULTI-CARRIER  
CDMA MOBILE COMMUNICATION SYSTEM

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Attention:** Refund Section, Accounting Division, Office of Finance

OFFICE OF FINANCE  
REFUND SECTION

**REQUEST FOR REFUND**

Sir:

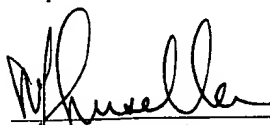
**I. REFUND REQUEST**

This is a request for a refund with respect to a payment a filing fee for a Notice of Appeal incurred because of a delay that is believe to have been caused by the Examiner at the U.S. Patent and Trademark Office with respect to the above-identified application.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 22, 2003

  
Michael J. Musella

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

**AMOUNT OF REFUND REQUESTED**

- ☐ filing fee
- ☐ surcharge for filing the basic filing fee  
on a date later than the filing date of the  
application (37 C.F.R. §1.16(e)
- and/or
- ☐ surcharge for filing the oath or declaration  
on a date later than the filing date of the  
application (37 C.F.R. §1.16(e)
- ☐ extension of term
- ☐ first month
- ☐ second month
- ☐ third month
- ☐ fourth month
- ☐ excess claims
- ☐ issue fee
- ☐ petition fee
- ☐ patent maintenance fee
- ☐ first maintenance fee
- ☐ second maintenance fee
- ☐ third maintenance fee
- ☐ patent maintenance fee surcharge
- ☒ other Notice of Appeal

\$ 320.00

**TOTAL REFUND REQUESTED**

**\$ 320.00**

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

US PATENT & TRADEMARK OFFICE  
An after final Response was timely filed on February 24, 2003 with a one (1) month extension of time. On April 22, 2003 an attempt was made to discuss the Examiner's delay in replying. After leaving several unreturned telephone calls to the Examiner, we contacted the Examiner's supervisor on April 22, 2003, and were then contacted by the Examiner late in the afternoon of the same day. The Examiner apologized for not timely replying to the after final Response, and that an Advisory Action would be issued. In order to preserve the Applicant's rights, a Notice of Appeal was filed as the Advisory Action had not been issued by the U.S. Patent and Trademark Office. On April 23, 2003 the Examiner sent to us a courtesy copy of the Advisory Action via facsimile.

Due to the delay and issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the Notice of Appeal filing fee was required.

### IV. MANNER OF REFUND

Please make refund by

☒ crediting Deposit Account No. 04-1121.

☐ refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: December 22, 2003

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